

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR101
)	
v.)	
)	
CHARLES L. EVANS,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion to reduce sentence (Filing No. 43). The defendant seeks a reduction of his sentence premised on the recent adjustments to the sentencing guidelines for crack cocaine.

On September 2, 2004, defendant entered a plea of guilty to Count I of a superseding indictment which charged him with a conspiracy to distribute cocaine base. On November 23, 2004, defendant was sentenced to a term of one hundred twenty-one (121) months imprisonment pursuant to sentencing guidelines which called for a sentence of one hundred twenty-one (121) to one hundred fifty-one (151) months to life.

He was found responsible for 56.68 grams of crack cocaine. The original base offense level was 32, and his total offense level was 29.

Under the revised guidelines, § 2D1.1(1), the base offense level for cocaine base (crack cocaine) involving 56.68

grams or more is level 30. His criminal history category remains at VI per the plea agreement.

Under the revised guidelines, this calls for a sentence of one hundred twenty (120) months to one hundred twenty-five (125) months. Defendant is entitled to a one-month reduction of his sentence as a result of the recent modifications of the guidelines. Accordingly,

IT IS ORDERED:

1) Defendant's motion for modification or reduction of sentence is granted. The sentence of the defendant is reduced to one hundred twenty (120) months. He shall receive credit for time served.

2) The conditions of supervised release entered in the original judgment and committal order remain in full force and effect.

DATED this 1st day of February, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court